

ASH GROVE CEMENT COMPANY



"WESTERN REGION"

July 20, 1993

Mr. James Nolan
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 200
Seattle, WA. 98119-3958

Re: NOTICE AND ORDER OF CIVIL PENALTY No. 7824

Dear Mr Nolan,

In accordance with Regulation I, Section 3.11 (c), Ash Grove Cement Co. is requesting the Puget Sound Air Pollution Control Agency to reconsider and rescind the attached Notice and Order of Civil Penalty No. 7824. In issuing this action, PSAPCA failed to fairly take into account these following points and extraordinary circumstances.

1. During the time cited, the plant was undergoing system shakedown and testing. Operating a new, complex facility requires an extended period of fine tuning to properly identify problems and apply the appropriate remedies. In response to NOV 29969, Ash Grove's March 23, 1993 letter (copy attached) indicates the plant, at the time of the March 9th observation, was in such a start-up mode and was actively evaluating methods to prevent a visible emission when the Loesche Mill is not running. PSAPCA was informed of our efforts and kept aware of our progress. As PSAPCA is also aware, a remedy has since been found and is currently being applied.

2. As stated in the March 9, 1993 letter to PSAPCA reporting the incident, the event occurred when the Loesche Mill was taken off line for equipment maintenance and repairs. Ash Grove was not aware of an emission violation. The stack opacity monitor did not indicate an exceedance of visual limits. The opacity data provided to PSAPCA showed that levels were below 10% at all times. These measurements were later discovered to be 4-5% higher than actual. This is well below those levels specified on the penalty order no. 7824. When noticed, Ash Grove began immediately to expedite repairs to restart the mill and began to employ measures believed capable of eliminating visible emissions.

AGCS2M001322

3. The above operating conditions are addressed in 40 CFR Section 60.8 (c) which states in part:

" Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard."

Ash Grove Cement Company has demonstrated its continuing dedication toward attaining full regulatory compliance by informing PSAPCA of efforts to remedy problems encountered with the shakedown of the new plant. Because this condition occurred during this shakedown phase, and while remedies were actively being sought and tested and since a solution has been found and employed, the rescission of Notice and Order of Civil Penalty No. 7824 is warranted.

If PSAPCA declines to grant the release requested in this letter, please send copies of the Visible Emission Observation Form used by Mr. Tom Hudson to record the March 9, 1993 event.

Sincerely,



Gerald J. Brown
Manager, Safety and Environment

Copy: K. Rone
H. Steuch

PUGET SOUND AIR POLLUTION CONTROL AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Kenneth J. Rone, Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134-1113

NO. 7824

RECEIVED
JUL 15 1993
AGCW-SEATTLE

NOTICE AND ORDER
OF CIVIL PENALTY

You are hereby notified that, pursuant to RCW 70.94, you are in violation of Section 9.03(a) of Regulation I of the Puget Sound Air Pollution Control Agency, and a fine of \$4,000.00 is assessed against you. The violation is as follows:

On or about the 9th day of March 1993, in King County, state of Washington, you violated Section 9.03(a), Regulation I, by causing or allowing the emission of an air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which was:

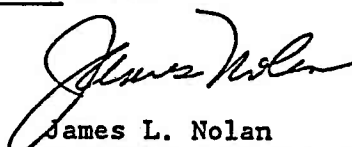
- (1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or
- (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03(a)(1) from the baghouse exhaust stack at 3801 East Marginal Way South in Seattle, Washington.

<u>Time</u>	<u>Duration</u>	<u>Density/Opacity</u>	<u>Color</u>	<u>N/V#</u>
11:38 a.m.	6 minutes	40%-60%	Brown	29969

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for hearing procedure.)

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 14th day of July 1993.


James L. Nolan
Director - Compliance

Certified Mail No. P 112 430 443

AGCS2M001324

ASH GROVE CEMENT COMPANY



"WESTERN REGION"

March 23, 1993

Mr. Tom Hudson
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 200
Seattle, WA. 98119-3958

Re: Notices of Violation #29969 and #29972

Dear Mr Hudson,

Your letter of March 18 requested a report from Ash Grove Cement Co. on corrective action taken or proposed to address two exceedances you observed at our plant.

Notice of Violation #29969

This notice of violation concerns an opacity violation you observed from our main stack on March 9, 1993.

As PSAPCA knows, Ash Grove Cement Co. has been experimenting for months to find the most effective means of preventing visible emissions when the Loesche mill is not running. We have been working to keep you posted on our progress and we will continue to do so. It is our intent to provide you with the information that has been obtained from all tests conducted at our scheduled April 16, 1993 meeting.

To date, two means of control, water sprays and chemical additives, have been tried and are currently being evaluated for their effectiveness. Water sprays were installed in the down comer duct on the preheater tower to cool and condense the gas stream ahead of the baghouse. Three chemical additives have been used separately by introducing them at various points into the process to react with the sulfur dioxide. The additives tested were Sodium Bicarbonate, Calcium Hydroxide and Caustic Soda.

Two other chemical additives that have been identified and will be tested for their effectiveness in the very near future.

As indicated in my March 9 report, we are employing these methods as necessary and continue to evaluate their effect on the emission.

AGCS2M001325

Notice of Violation #29972


The malfunction which allowed masonry cement to be emitted to the air was not due to a failure to operate or maintain equipment in good working order but rather to previously unknown electrical condition which required both the high level indicator and the distribution screw to be in a stopped mode before an alarm condition was indicated. There was no symptom of any malfunction in this system.

This electrical condition was discovered as a result of this incident and corrected to permit an alarm condition for either a high level or zero screw speed when indicated.

To prevent similar events, all high level indicators will be inspected for independent operation by March 31, 1993.

If you should have any further questions, please call me at (206) 623-5596.

Sincerely,



Gerald J. Brown
Manager, Safety and Environment

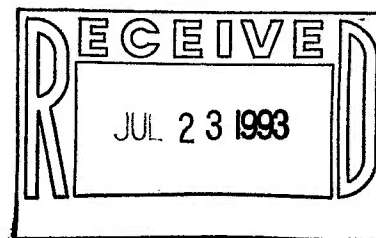
Copy: K. Rone
D. Peters
H. Steuch



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY KITSAP COUNTY PIERCE COUNTY SNOHOMISH COUNTY

July 22, 1993

Ash Grove Cement Company
c/o Kenneth J. Rone, Reg. Agent
3801 East Marginal Way South
Seattle, Washington 98134-1113



Dear Mr. Rone:

Ash Grove Cement Company
Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty No. 7824

This is to acknowledge receipt by this Agency of the aforementioned Application for Remission or Mitigation on July 20, 1993.

The Application will be evaluated pursuant to the requirement of Section 3.11(c) of PSAPCA's Regulation I that provides:

"Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty."

A Notice of Disposition on the Application for Relief from Penalty will be forthcoming. Thank you.

Very truly yours,


Harry J. Twomey
Manager - Inspection

HJT:mlh

cc: Gerald J. Brown, Mgr. Safety & Environment
Ashgrove Cement Company

Laurie Halvorson/Agency Counsel
Accounting
R. Busterna
T. Hudson

Anita J. Frankel, Air Pollution Control Officer

B O A R D O F D I R E C T O R S

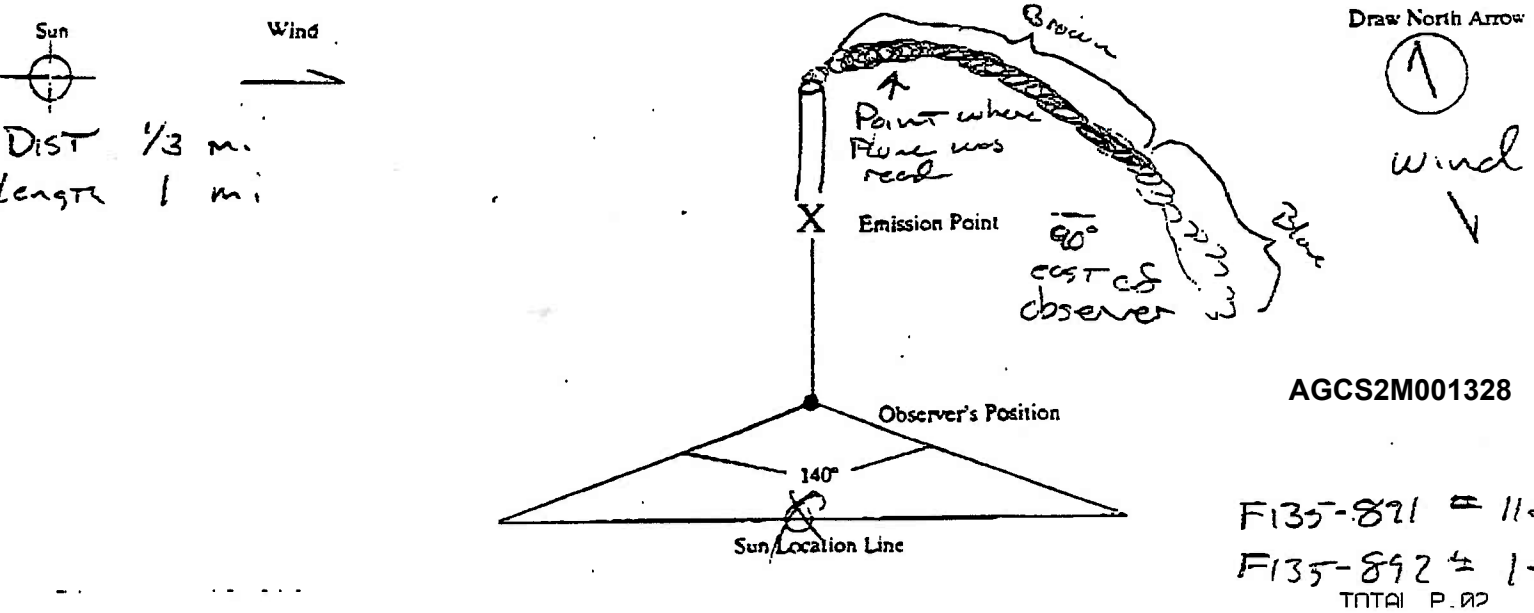
Chairman: Win Granlund, Commissioner, Kitsap County
Janet Chalupnik, Member at Large
Tim Hill, King County Executive

Peter Hurley, Councilman, Snohomish County
Pete Kinch, Mayor, Everett
Louis Mentor, Mayor, Bremerton

Norman B. Rice, Mayor, Seattle
Doug Sutherland, Pierce County Executive
Karen Vialle, Mayor, Tacoma

3801 E. Marginal Wy So Seattle 11:38 11:44 3-8 MPH SES						Weather/% overcast: (clear no clouds)					
Owner or Agent: Ken Rone Jr Plant Mgr						Emissions From: 3/H Exhaust Street					
Equipment:											
	0 SEC	15 SEC	30 SEC	45 SEC	COLOR		0 SEC	15 SEC	30 SEC	45 SEC	COLOR
00						30					
01						31					
02						32					
03						33					
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05						35					
06						36					
07						37					
08						38	45	40	45	55	Brown
09						39	50	55	55	60	"
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11						41	60	60	55	50	"
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Indicate distance from E.P. to observer, sun location, wind direction, background, length of plume and location on plume where reading was made.



Puget Sound Air Pollution Control Agency

110 Union Street, Suite 500

Seattle, WA 98101

(206) 343-8800



(800) 552-3565



FAX: (206) 343-7522

Company Name:

Ash Grove Cement

Attention:

Jerry Brown

Address:

FAX #:

Subject:

Comments:

*Per your request - copy of
Visible Emission Worksheet
3/9/93*

Sent By:

Stella Nelson

Today's Date:

8/4/93

Number of pages including this cover sheet:

2

Anita J. Frankel, Air Pollution Control Officer

BOARD OF DIRECTORS

CHAIRMAN: Win Grantlund, Commissioner, Kitsap County

Vice Chairman: Tim Hill, King County Executive

Peter Hurley, Councilman, Snohomish County

Pete Kinch, Mayor Everett

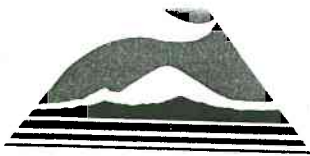
Janet Chalupnik, Member at Large

Louis Mentor, Mayor, Bremerton

Norm Rice, Mayor, Seattle

Doug Sutherland, Pierce County Executive

Karen Vialle, Mayor, Tacoma



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

September 13, 1993

SEP 14 1993
AGCS2M001330

Ash Grove Cement Company
c/o Kenneth J. Rone, Reg. Agent
3801 East Marginal Way South
Seattle, WA 98134-1113

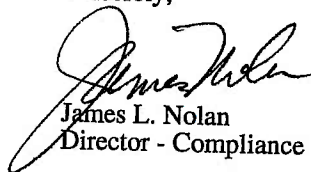
Dear Mr. Rone:

Ashgrove Cement Company
Notice and Order of Civil Penalty No. 7824

This Agency wishes to acknowledge and thank you for check #3721. The funds (\$4,000.00) from this check, when deposited to the Agency, are accepted in full payment of Notice and Order of Civil Penalty No. 7824.

Thank you for your action to ensure compliance with Agency air pollution regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,


James L. Nolan
Director - Compliance

JLN:mlh

Enclosure

cc: Gerald J. Brown, Mgr. Safety & Environment
Ashgrove Cement Company

Laurie Halvorson/Agency Counsel
Harry Twomey
Accounting
R. Busterna
T. Hudson

Anita J. Frankel, Air Pollution Control Officer
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110 Union Street, Suite 500, Seattle, Washington 98101-2038

(206) 343-8800

(800) 552-3565

FAX: (206) 343-7522

printed on recycled paper

AGCS2M001330



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY KITSAP COUNTY PIERCE COUNTY SNOHOMISH COUNTY

August 10, 1993

RECEIVED
AGCW - SEATTLE

Certified Mail No. P 338 592 391

Ash Grove Cement Company
c/o Kenneth J. Rone, Reg. Agent
3801 East Marginal Way South
Seattle, WA 98134-1113

Dear Mr. Rone:

Notice of Disposition on Application for Relief
Notice and Order of Civil Penalty No. 7824

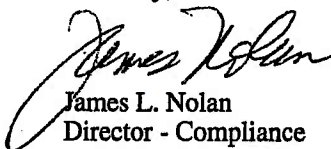
Reference is made to your Application for Remission or Mitigation that this Agency received on July 20, 1993.

Your application has been reviewed and the Agency finds that there is a lack of demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting Notice and Order of Civil Penalty No. 7824.

You are hereby notified that this Agency will not accede to remitting or mitigating Notice and Order of Civil Penalty No. 7824 further. In accordance with Section 3.11(c) and 3.11(e) of Regulation I and RCW 43.21B and 70.94, thirty (30) days after your receipt of this Notice of Disposition on Application for Relief from Penalty, the Civil Penalty becomes due and payable in the full amount of \$4000.00 unless appealed to the Washington State Pollution Control Hearings Board (PCHB), with a copy of such appeal being presented to this Agency, within the aforementioned thirty (30) day period.

Enclosed is a brochure, published by the PCHB, that is an informal guide to your rights and responsibilities in an appeal. We trust that we can depend upon your cooperation in this matter.

Sincerely,


James L. Nolan
Director - Compliance

JLN:mlh
Enclosure

cc: Gerald J. Brown, Mgr. Safety & Environment
Ashgrove Cement Company

Laurie Halvorson/Agency Counsel
Harry Twomey, Manager - Inspection
Accounting
R. Busterna
T. Hudson

Anita J. Frankel, Air Pollution Control Officer

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Doug Sutherland, Pierce County Executive
Karen Vialle, Mayor, Tacoma

110 Union Street, Suite 500, Seattle, Washington 98101-2038

(206) 343-8800

(800) 552-3565

AGCS2M001331

FAX: (206) 343-7522

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ASH GROVE CEMENT COMPANY



"WESTERN REGION"

September 7, 1993

Mr. James Nolan
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 200
Seattle, WA. 98119-3958

Re: NOTICE AND ORDER OF CIVIL PENALTY No. 7824

Dear Mr Nolan,

Ash Grove Cement Company has decided not to appeal your decision of August 10, 1993 but rather to pay the imposed penalty (check #3721 for \$4000.00 is enclosed). By choosing this course of action, Ash Grove is not admitting to nor are we sure that an opacity violation occurred. We believe the points raised in our Application for Remission or Modification of July 20, 1993 to be valid and question the methodology used to measure the opacity stated in the Notice and Order of Civil Penalty No. 7824.

Our decision reflects the fact that PSAPCA has worked with us in addressing startup problems at our plant. We appreciate the assistance the agency has given to Ash Grove, and we want to preserve the working relationship between your staff and this company.

Sincerely,

Gerald J. Brown
Manager, Safety and Environment

Copy: K. Rone
H. Steuch
M. Cohen

AGCS2M001332

ASH GROVE CEMENT COMPANY
3801 E. MARGINAL WAY SOUTH (206) 823-5596
SEATTLE, WASHINGTON 98134

No. 3721

September 13 93 ^{19-2/1250}

PAY TO THE ORDER OF Puget Sound Air Pollution Control Agency

\$ 4000.00

Four Thousand Dollars 00/100-----

DOLLARS

1 SEAFIRST BANK
Industrial Branch
2764 First Ave. S.
Seattle, WA 98134

TWO SIGNATURES REQUIRED

[Signature]
[Signature]

⑈00003721⑈-⑈125000024⑈ 7443 104⑈

INTERECDS INC. - COM 104

AGCS2M001333